

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION**

In re:

Carmie W Carr

CASE No. 17-03821-JCO

Debtor(s)

Chapter 7

TRUSTEE'S RESPONSE TO MOTION FOR TURNOVER

COMES NOW the Trustee in the above-styled case, D. Parker Sweet, by and through the undersigned counsel, and in response to the Motion for Turnover (Doc. 179) filed by Newport Orange Beach, LLC, states as follows:

1. The Trustee has received from Sirote & Permutt, PC, as counsel for the first-position mortgage holder, the sum of \$13,058.35, representing the excess proceeds from the foreclosure sale of the Debtor's homestead.
2. Having reviewed the records of the Judge of Probate of Baldwin County, Alabama, the Trustee agrees that the movant Newport Orange Beach, LLC ("Newport") was the holder of a properly perfected second-position lien upon the Debtor's homestead at the time of the foreclosure sale.
3. The Trustee has received no demands or claims for the excess proceeds from any other party, aside from potentially the Debtor herself.
4. Newport's mortgage instrument appears to contain a waiver of homestead exemption rights executed by the Debtor and her spouse, Raymond Carr.
5. The Trustee therefore does not oppose Newport's Motion for Turnover.
6. The Trustee requests that any Order for turnover specifically attribute the payment to Claim #12.

Respectfully submitted this date, December 11, 2019,

/s/ D. Parker Sweet

Daniel Parker Sweet (SWEED1464)

Attorney for the Chapter 7 Trustee

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CERTIFICATE OF SERVICE

I hereby certify that on the date of filing I have served a true and correct copy of the foregoing on all parties who currently receive electronic notices in the above-styled case by electronic filing with the CM/ECF system, and on all parties entitled to notice of the same by depositing a true and correct copy thereof, properly addressed and postage paid, in the US mail addressed to each such party who does not currently receive notices electronically in this case. Parties thus noticed include but are not necessarily limited to:

Carmie W Carr
1713 2nd Avenue
Tuscaloosa, AL 35401

Wesley H. Blacksher
Counsel for the Debtor
via CM/ECF electronic noticing

Jeffrey J. Hartley
Counsel for Newport Orange Beach, LLC
via CM/ECF electronic noticing

/s/ D. Parker Sweet
Daniel Parker Sweet (SWEED1464)